

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 18

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

OCT 02 2001

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte VIKTOR KELLER,
THOMAS KENNEDY
and
WILLIAM RISEN

Appeal No. 2001-2609
Application 09/040,798

ORDER REMANDING TO EXAMINER

An examination of the file reveals that a supplemental Information Disclosure Statement (IDS) was filed September 22, 1999 (Paper No. 8). It is not apparent from the record whether the examiner considered the statement submitted or notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98. A communication notifying appellants of the Primary Examiner's decision is required.

Appeal No. 2001-2609
Application 09/040,798

Accordingly, it is

ORDERED that the application is remanded to the Examiner for consideration of the IDS, appropriate notification to appellants, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

DALE SHAW

Program and Resource Administrator
(703) 308-9797

DS:psb

cc: Diane F. Covello, Esq.
Division Patent and Trademark Counsel
Spalding Sports Worldwide
425 Meadow Street
P.O. Box 901
Chicopee, MA 01021-0901